

Chapter 6

Trial Work Experience/ Extended Evaluation

6.1 Authority: 34 CFR 361.42(e) and (f)

Prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of the disability USOR must explore the individual's abilities, capabilities, and capacity to perform in realistic work situations.

6.2 Policy

Conditions warranting trial work exploration are **limited** to those instances where in the professional judgment of the VR Counselor the disability is so severe the individual cannot benefit from VR services and therefore cannot achieve an employment outcome. USOR policy requires the VR Counselor to obtain clear and convincing evidence that the individual, due to the severity of the disability, cannot benefit. The decision to place an individual in trial work experience must be made within the 60 day period allowed for determination of eligibility but can be made as soon after application as the VR Counselor determines the need. Trial work experience is not to be used for the purpose of circumventing the 60-day eligibility determination requirement.

6.3 Definitions

Trial Work Experiences (TWE): An exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations in the most integrated setting possible with supports to determine whether or not there is clear and convincing evidence that the individual is too severely disabled to benefit from the services of USOR.

Extended Evaluation (EE): Following an unsuccessful TWE, an exploration of the individual's abilities, capabilities, and capacity to benefit from VR services by successfully preparing for and entering a work situation. Extended evaluation is done after trial work experiences have been tried and the VR Counselor still is not sure if there is clear and convincing evidence of the individual's ability to benefit from VR services.

Clear & Convincing Evidence: Means that the VR Counselor shall have a high degree of certainty before it can be concluded that an individual is incapable of benefiting from VR services in terms of achieving an employment outcome. The standard constitutes the highest standard used in the civil system of law and is to be individually applied on a client-by-client basis. The term clear means unequivocal.

6.4 Client Rights during TWE/EE

Throughout the TWE/EE process clients have the same rights of appeal and access to the Client Assistance Program as other applicants to the VR Program.

6.5 Written Plan for TWE/EE

In addition to client Application (USOR-4), appropriate medical and/or psychological records, Client Financial Statement (USOR-4a), and Financial Need Determination (USOR-48); the client record must include a written plan supporting the need for TWE/EE.

The plan should include statements regarding:

- A. The disabling condition,
- B. How it is an impediment to employment, and;
- C. **Why** the VR Counselor feels the severity of the disability precludes the individual's ability to benefit from VR services in terms of achieving an employment outcome.
- D. The specific TWE/EE and paid supports that will be provided to assess the ability to benefit. Services may include supported employment (SE), customized training, on-the-job training, internships, job shadowing, structured volunteer experiences, and community based work assessments with appropriate supports.

6.6 Additional Documentation and Duration

- A. In addition to the plan, the client record should have progress notes addressing each TWE/EE. There should also be a summation, conclusions and the VR Counselor's decision.
- B. The Act does not specify any time lines for TWE/EE. The only stipulations is that they must be of sufficient variety and over a sufficient period of time to make the determination that the individual can or cannot benefit from VR services in terms of an employment outcome. It is reasonable to believe the determination could be made within an 18 month period and is USOR adopted practice. Authority: 34 CFR 361.39

6.7 Extended Evaluation (EE)

- A. If the client cannot take advantage of TWE or if options for TWE have been exhausted before a determination of eligibility has been made, USOR must conduct an EE to make the determination. The EE, like TWE, requires a written plan which is also located on an IRIS template. The documentation requirements under an EE are the same as they are for TWE.

6.8 Other Conditions

- A. Only one 18-month maximum period is allowed during the time that the client record is open whether it is in TWE or EE.
- B. If a client has been closed because of a previous determination that included clear and convincing evidence that the individual could not benefit from VR Services in terms of an employment outcome and circumstances have changed, the client record may be re-opened and a subsequent assessment for determining eligibility may be carried out.
- C. Once a client has been in status 10 or above, it can not be put back into TWE/EE Status 06.